

# **EXHIBIT**

## **A**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

SINOSTART GLOBAL LTD.,	§	Civil Action No. 4:20-cv-00096-ALM
	§	
Plaintiffs,	§	
v.	§	
	§	
RAKUTEN KOBO, INC.,	§	
	§	
Defendants.	§	
	§	

**AFFIDAVIT OF CELESTE INGALLS**

I declare that I, Celeste Ingalls, am a citizen of the United States, over the age of twenty-one, not a party nor an attorney for any party in this action, and state the following:

1. I am employed by Alan H. Crowe & Associates, Inc. dba Crowe Foreign Services, 1020 SW Taylor Street, Suite 240, Portland, Oregon, and have specialized in the service of civil process in foreign countries for more than 24 years.
2. The United States and Canada are signatory to the Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters, Done at the Hague, November 15, 1965, (Hague Service Convention).
3. I have lectured to state/county bar, and other professional, associations on the mechanics and requirements of process service in foreign countries.
4. Since 2003, I have attended, at special invitation as a private expert, all Special Administrative Sessions of the Hague Conference in The Hague, Netherlands, at which signatory countries (including Canada) were represented by their respective Judicial Authorities to discuss the practical mechanics of, and problems encountered in dealing with, the Hague Service Convention as they apply to each country's laws and interpretations of the Convention and its obligations.

5. I have participated (at invitation) with the Hague Administration in a “training” session, presided over by the Hague Administration, to provide guidance to a foreign Central Authority and its courts on their practical obligations with respect to service under the provisions of the Hague Service Convention. At this session, it was agreed by the Hague Administration that each signatory country has the discretion to interpret the Convention articles in a way that conforms to their internal laws.

6. In accordance with FRCP Rule 4(h)(2), service upon a corporation..... in a place not within any judicial district of the United States shall be by any manner prescribed for individuals by subdivision (f) --except personal delivery as provided in paragraph (2)(C)(i) thereof. In accordance with FRCP Rule 4(f)(1) service outside the United States shall be subject to the provisions of the Hague Service Convention.

7. On March 4, 2020, I forwarded the Summons in a Civil Action, Complaint, Exhibits and Civil Cover Sheet in the above titled action to the Central Authority for Ontario, Canada to be served upon **Rakuten Kobo, Inc.** in accordance with the Hague Service Convention. Federal Express confirms that the documents were received by the Central Authority for Ontario on March 6, 2020.

8. No signatory nation is obligated under the Hague Service Convention to provide status with respect to service of documents in its possession and does not impose an obligatory time frame.

9. My experience has been that standard service in Canada in accordance with the Hague Service Convention takes an average of 3 to 4 months to complete service and receive a Hague Certificate of Service from the Canadian Central Authority but has occasionally exceeded 5 months.

10. There is currently no provision within the Articles or framework of the Hague Service Convention for enforcement of a signatory country’s actions and obligations. Plaintiffs must simply wait for the Canadian authorities to complete service and return a Hague Certificate of Service.

11. It should be noted that the current Covid-19 restrictions and closures have recently caused the Central Authority to limit or delay the services they can provide. Therefore, estimating the time it will take to complete service of process at this time is largely speculative.

Signature Celeste Ingalls

SUBSCRIBED AND SWORN to before me this 29<sup>th</sup> day of June 2020.



Notary Kay Martinez